

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.4452 of 2016

Jothimani

.. Petitioner

Vs.

1.The Superintendent of Police
Office of the Superintendent of Police
Cuddalore District.

2.The Sub-Inspector of Police
Kumaratchi police station
Kumaratchi, Kattumannarkoil Taluk
Cuddalore District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents to register a case on the basis of the petitioner's complaint dated 12.02.2016.

For Petitioner :Mr.V.M.Venkatramana

For Respondents :Mr.C.Emalias

Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the respondents to register a case pertaining to the petitioner's complaint dated 12.02.2016.

2.The learned counsel for the petitioner submitted that the petitioner herein has purchased the property vide registered sale deed dated 16.07.1984. Thereafter, the petitioner has filed a writ petition for issuing a direction to the Tahsildar to survey the said property and mark the boundary lines. The said writ petition was allowed and the Tahsildar has surveyed the petitioner's property and that the petitioner is in possession and enjoyment of the same. He further submitted that now the proposed accused has attempted to interfere with the petitioner's possession and enjoyment of the property and made criminal intimidation. So the petitioner has lodged a complaint before the respondents on 12.02.2016.

But the respondents have not shown any interest to enquire the

matter and register the case. Hence, the petitioner has come forward with this petition for the above stated relief.

3.Learned Additional Public Prosecutor, on instructions, would submit that as soon as complaint has been received, both the petitioner and the counter petitioner were called for enquiry and during enquiry, they were directed to approach the civil forum to work out their remedy to decide as to who is the owner of the property. He would fairly concede that the proposed accused has made criminal intimidation. Therefore, the respondents after giving advise to the parties, closed the complaint. Thereafter, the petitioner has given pressure to the respondents to register the case in respect of criminal intimidation made by the proposed accused against her.

4.Considering the rival submissions made on both sides, the closure report furnished by the respondents is hereby set aside. The second respondent is directed to conduct enquiry and expedite the enquiry and follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case, if any cognizable offence is made out.

5. The Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Office of the Superintendent of Police
Cuddalore District.

2.The Sub-Inspector of Police
Kumaratchi police station
Kumaratchi, Kattumannarkoil Taluk
Cuddalore District.

3.The Public Prosecutor
High Court, Chennai.

+1 cc to Mr.V.M.Venkatramana, Advocate, sr.12729

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